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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-first session

SUMMARY RECORD OF THE 555th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 March 1992, at 10.30 a.m.

Chairman: Mr. MIKULKA (Czechoslovakia)

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The meeting was called to order at 10.40 a.m.

THE ELABORATION OF DRAFT PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE, WITH THE AIM OF FINALIZING THE DRAFT SET OF PRINCIPLES (agenda item 3) (continued) (A/AC.105/484 and 513; A/46/20; A/AC.105/C.2/L.154/Rev.11)

1. Mr. SUSSUMU FUJITA (Brazil), referring to the comment made by the representative of Germany at the preceding meeting to the effect that a consensus had been reached on the text of principle 4 at the 1990 session of the Scientific and Technical Subcommittee, said that agreement surely extended only to the technical elements of principle 4. The Scientific and Technical Subcommittee had no competence to decide on the legal terms in which principle 4 was expressed and the Legal Subcommittee was not bound by the technical findings of the Scientific and Technical Subcommittee when it was discussing the legal drafting of principle 4. The Legal Subcommittee might wish to include other elements that were not technical in nature, but were juridically necessary. As a matter of principle, therefore, consensus on technical points in the Scientific and Technical Subcommittee, although important, was not the only element on which the Legal Subcommittee should base its legal drafting.

2. At the 1992 session of the Scientific and Technical Subcommittee, moreover, the representatives of the United States and Brazil had indicated, in reply to the question of the representative of Canada whether a consensus existed on the technical contents of principle 4, that the points relating to principle 4 under consideration in the Legal Subcommittee were not only technical ones, so that it was not appropriate for the Scientific and Technical Subcommittee to say that a consensus had been reached. No consensus existed either in fact or in principle.

3. Mr. BROTODININGRAT (Indonesia) said that his country in no way rejected the use of nuclear power sources on board space objects, for such use was a consequence of scientific progress. Because nuclear power sources were a potential threat to human life and the bio-environment, however, he shared the view that their use in outer space should be limited or avoided whenever other alternatives were available. Any use of nuclear power sources on board space objects should be subject to maximum safety measures; further research was essential to eliminate danger. The use of nuclear power sources should be governed by a set of legal principles requiring strict safety procedures and criteria and guaranteeing full protection for countries exposed to harmful effects in the event of the malfunctioning of space objects equipped with nuclear power sources. Such principles would serve as a confidence-building measure. Like others, his delegation urged the Working Group on agenda item 3 to make every effort to finalize the draft principles at the present session and endorsed the appeal by the Chairman of the Working Group that the discussion on some draft principles already agreed by consensus at earlier sessions should not be reopened. It agreed that the draft set of principles should serve as the basis for the discussion of a final text.

4. Ms. GARCIA GUERRA (Mexico), welcoming the progress made in recent years on agenda item 3, said her delegation hoped that the draft set of principles could be finalized at the present session. Since the discovery of nuclear

energy, it had been man's hope to use it for peaceful purposes. That hope had been expressed in the first resolution ever adopted by the United Nations General Assembly (resolution 1 (I)), which had established a Commission to deal with the problems raised by the discovery of atomic energy and make specific proposals for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction. Forty-six years later, it might be asked whether the power sources to be used for the laser beams developed under the Strategic Defense Initiative would be in keeping with the principles for the use of nuclear power sources in outer space now under consideration in the Subcommittee.

5. Her delegation hoped that those draft principles would provide adequate protection for the Earth's population and environment and for the environment of outer space and contain clearly defined provisions relating to safety standards and procedures for determining responsibility in the event of accidents involving nuclear power sources. She welcomed document A/AC.105/C.2/L.154/Rev.11, which had been submitted by Canada and Germany, provided an overview of the draft principles that was not available in other documents and would enable the Subcommittee to uphold the agreement referred to in paragraph 106 of the report of the Committee on the Peaceful Uses of Outer Space (A/46/20), namely, that delegations should be kept fully informed on developments in the negotiations on the draft principles.

6. With regard to the draft preamble to the set of principles (A/AC.105/513, appendix), she proposed that an additional paragraph should be added recalling that, pursuant to article IV of the 1967 Outer Space Treaty, nuclear power sources should be used in outer space for peaceful purposes only. She was also concerned that the fifth preambular paragraph appeared to restrict the application of the draft principles solely to nuclear power sources devoted to generation of electrical power on board space objects. Her delegation attached particular importance to the last preambular paragraph, which was closely linked to draft principle 12 relating to the possibility of revising the principles in the light of technological developments or any other circumstance affecting their application.

7. Draft principle 4 on safety assessment included the provisions of former draft principle 2 on notification. Its title should therefore be amended to indicate that it covered both safety assessment and notification of the presence of nuclear power sources on board space objects.

8. Mr. BOYER (France) said that his delegation had constantly advocated a close working relationship between the two Subcommittees of the Committee on the Peaceful Uses of Outer Space; it would serve no useful purpose if they were at loggerheads. It was nevertheless true, as the representative of Brazil had said, that the decisions of the Scientific and Technical Subcommittee were not binding on the Legal Subcommittee. Any confusion on that score could be rapidly dissipated if the independence of the two Subcommittees and the need for them to work together were borne in mind.

The meeting rose at 11 a.m.